

Serial No. 09/488,578
Art Unit 2173

Attorney Docket PU040186 CIP

REMARKS

Claims 1-35 currently remain pending in the above-identified application. Applicants request they be allowed to amend claims 1, 8, 10, 16-18, 26 and 32 to better distinguish their invention from the art of record. Ample antecedent basis exists in the specification and drawings for the amendments so applicants have added no new matter.

Before proceeding to address the examiner's rejections, applicants will briefly summarize their invention to assist the examiner in better appreciating the differences between applicants' invention and the art of record. As recited in amended claim 1, applicants have provided a method for producing a live or live-to-tape show by first enabling the creation of instructions that define at least one of a set of production commands that comprise at least one segment file that includes at least one production command for controlling at least one production device, the at least one command when executed produces a segment of the show. The one segment file comprises at least one scripted portion that includes at least one command activated during a predetermined interval in a script that undergoes scrolling for display under control of an operator, and at least one non-scripted portions that includes at least one command activated independent of the script. Each segment has a duration which is defined by execution of the instruction sequence under the control of a human operator. The at least one production command undergoes execution to produce the show.

35 U.S.C. 102(e) of Claims 1-15, 18-24, 26-28, 30-32 and 34-45

Claims 1-15, 18-24, 26-28, 30-32 and 34-45 stand Finally Rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent 6,038, 573, issued March 14, 2003 from an application filed April 4, 1997, in the name of David Michael Parks (hereinafter, "the Parks patent"). Applicants respectfully traverse this rejection in view of the requested amendments to the claims.

As amended, independent claims 1, 8, 10, 16-18, 26 and 32 each recite the features of

production commands for controlling at least one production device, the commands; and

at least one scripted portion that includes at least one command activated during a predetermined interval in a script that undergoes scrolling for display under control of an operator, and at least one non-scripted portion that include at least one command activated independent of the script, said at least one segment

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having a duration which is defined by execution of said instruction sequence under the control of a human operator

As described previously, the Parks patent discloses a news story mark-up language system which includes a news story mark-up language (NSML) viewer (209) having a screen (240) that contains a template area (241), a machine code area (242) and a story area (243). The news story (243) area contains the text of a news story that will have one or more insertion points (245). Each insertion point corresponds to the location within the story of a machine code listed in the machine code area (242).

In Finally Rejecting applicants claims, the examiner relies on the disclosure at Col. 8, lines 33-35 and 40 43 of the Parks patent. In particular, the examiner contends that this cited portion of Parks teaches applicants feature executing commands during scripted portions and non-scripted portions.

In their previous response, applicants sought to patentably distinguish the Parks patent by virtue of its failure to execute commands independent of the script. To rebut applicants' arguments regarding the patentability of their claims, the examiner asserts that the NSML commands of Parks constitute commands executed independent of the script, thus teaching the features recited in applicants' claims. Applicants respectfully disagree with the examiner's characterization of the NSML files as constituting commands executed independent of the script.

As now amended, applicants' claims recite that the commands control at least one production device. This is not true of the NSML files relied upon by the examiner. The description of FIGS. 4A-4C, of the Parks patent, found at Col. 16, lines 1-20, makes clear that NSML files referred to by the examiner, in reality, constitute tags that delimit a story. These tags have a particular hierarchy illustrated in FIGS 4A-4C.

The tags of FIGS. 4A-4C have no influence with regard to controlling a production device either during the script or independently thereof. The only element which Parks describes as controlling a production device is machine instruction (246) which undergoes execution during the story at the point corresponding to the reference mark (245). Other than the general reference to FIG. 4, the examiner has pointed to no specific reference in the Parks patent regarding execution of the one of the tags of FIGS. 4A-4C to control a product device, let alone execution of such tags independent of the script. The fact that Parks describes the tags depicted in FIGS. 4A-4C as elements of a story which constitutes part of the script, the examiner cannot rely on the disclosure of the NSML tags in Parks as teaching or suggesting the applicants' step of executing commands to control production devices independent of the

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script. Accordingly, applicants' claims 1-15, 18-24, 26-28, 30-32 and 34-45 patentably distinguish over the Parks patent. Withdrawal of the 35 U.S.C. 102(e) rejection of these claims is requested.

35 U.S.C. 103(a) Rejection of Claims 16, 17, 25, 29, and 33

Claims 16, 17, 25, 29, and 33 stand rejected under 35 U.S.C. 103(a) as obvious in view of the Parks patent discussed above with respect to the 35 U.S.C. 102(e) rejection of claims 1-15, 18-24, 26-28, 30-32 and 34-45. Applicants respectfully traverse the rejection of the claims for the reasons given below.

Applicants have discussed the Parks patent above. For the sake of brevity, applicants will not repeat a discussion here. For purposes of the instant rejection, Parks does not teach or in any way suggest activating a command to control at least one production device during a script that undergoes scrolling for display under control of an operator and activating at least one command independent of the script.

In rejecting applicants 16 and 17, the examiner contends that the Parks patent teaches all the recited features of applicants' invention with the exception of converting verbal instructions into signals to enable the creation of instruction sequences. However, the examiner takes official notice that converting verbal instructions into signals appears old in the art. Thus, the examiner contends that it would have been obvious to modify the Parks patent to teach the subject matter of claims 16 and 17.

Like claims 1, 8, 18, 26, and 32, claims 16 and 17 each recite:

production commands for controlling at least one production device, the commands; and

at least one scripted portion that includes at least one command activated during a predetermined interval in a script that undergoes scrolling for display under control of an operator, and at least one non-scripted portion that include at least one command activated independent of the script, said at least one segment having a duration which is defined by execution of said instruction sequence under the control of a human operator

The Parks does not teach or suggest the feature of activating at least one command to control at least one production device during a predetermined interval in a script and executing a command independent of the script. Thus, even if it were obvious to modify the Parks patent to convert verbal instructions into signals to enable the creation of instruction sequences, the patent, when modified, would still not teach all of the features of applicants' claimed

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invention. Given that the Parks patent, even when modified, would not possess all of the features recited in applicants claims 16 and 17, these claims patentably distinguish over the art of record. Withdrawal of the 35 U.S.C. 103(a) rejection of these claims is requested.

Claims 25, 29 and 33 ultimately depend from claims 18, 26, and 32, respectively. As discussed above with respect to the 35 U.S.C. 102(e) rejection, the Parks patent does not teach all of the features of claims 18, 26 and 32, and therefore, would not render obvious claims 25, 29 and 33 that depend therefrom, respectively. Applicants request withdrawal of the 35 U.S.C. 103(a) rejection of claims 25, 29 and 33.

Conclusion

In view of the foregoing remarks, applicants request entry of this amendment and allowance of the claims. If, however, the Examiner believes that such action cannot be taken, the examiner is invited to contact the applicant's attorney at (609) 734-6820 to arrange for a mutually convenient date and time for a telephonic interview.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,
Robert J. Snyder et al.

By: Robert B. Levy
Reg. No. 28,234
Phone (609) 734-6820

Patent Operations
Thomson Licensing Inc.
2 Independence Boulevard - Suite 2
Princeton, New Jersey 08540
May 12, 2006